

## DRAFT DOCUMENT



*Gaithersburg*

*A CHARACTER COUNTS! CITY*

CITY OF GAITHERSBURG

MINUTES OF A REGULAR CITY COUNCIL MEETING

FEBRUARY 6, 2006

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A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, Schlichting and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Planning and Code Administration Director Ossont, Community Planning Director Schwarz, Associate Planner Marsh, Police Chief Viverette, employees of the quarter (Rachel Tailby, Jorge Esmieu and Sarah Paxton), and team of the quarter (Mission Mississippi), City Attorney Borten and Administrative Assistant Stokes. Planning Commissioners present for the joint public hearings: Hicks, Hopkins, Kaufman (Alt.), Levy and Winborne.

### **I. PLEDGE OF ALLEGIANCE**

The Pledge was led by Rachel Tailby, City Recreation Assistant, Gaithersburg, Maryland.

### **II. INVOCATION**

In lieu of an invocation, Mayor Katz called for a moment of silence.

### **III. APPROVAL OF MINUTES**

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the minutes of the Mayor and Council meeting held January 3, 2006, be approved.

Vote: 5-0

Motion was made by Council Member Marraffa, seconded by Council Member Sesma, that the minutes of the Mayor and Council meeting held January 17, 2006, be approved.

Vote: 3-0 (Abstained: Edens and Schlichting)

### **IV. CONSENT ITEM**

#### **Resolution for Construction and Paving of a Path Relocation Project in Malcolm King Park**

This resolution authorizes the City Manager to negotiate and execute a contract extension for construction and paving of a path relocation project in Malcolm King Park, to Romano Concrete Construction, Inc., 8970 Maier Place, Laurel, Maryland 20723, in the amount of Twenty-Six Thousand Fifty Dollars (\$26,050); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Edens, seconded by Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR CONSTRUCTION AND PAVING OF A PATH RELOCATION PROJECT IN MALCOLM KING PARK (Resolution No. R-2-06), be approved.

Vote: 5-0

**V. APPOINTMENTS****1. Resolution Establishing a Community Museum Train Annex Ad Hoc Committee and Confirming Appointments Made by the Mayor Thereto**

The resolution established the above committee and confirmed the following appointments: Gerald A. Hott, 19 Brighton Drive, Gaithersburg, Maryland 20877, Hunter Atkinson, 108 Olde Towne Avenue, Apt. 516, Gaithersburg, Maryland 20877, Janusz Mrozek, 5004 Dalton Road, Chevy Chase, Maryland 20815, Wesley Paulson, 13821 Bethpage Lane, Silver Spring, Maryland 20906, Leslie MacDonald, 210 Perrywinkle Lane, Gaithersburg, Maryland 20878, and Michael Griffin Kane, 120 Hutton Street, Gaithersburg, Maryland 20877, terms to expire following the presentation of recommendations to the Mayor and City Council in May 2006. The committee is charge with making recommendations to City staff in the development of proposed exhibit space to be housed in the renovated Troop Kitchen Car; research and offer recommendations on source of supplies for replacement parts required for the refurbishing of the locomotive engine, coal tender and Troop Kitchen Car; and research and offer recommendations on availability, cost, condition, and renovation effort of replacement car (existing caboose).

Motion was made by Council Member Edens, seconded by Council Member Marraffa, that a RESOLUTION ESTABLISHING A COMMUNITY MUSEUM TRAIN ANNEX AD HOC COMMITTEE AND CONFIRMING APPOINTMENTS MADE BY THE MAYOR THERETO (Resolution No. R-3-06), be approved.

Vote: 5-0

**2. Resolution Confirming an Appointment by the Mayor**

This resolution confirmed the following appointment: **Technology & Innovations Committee**, Justin Preuninger, 4 Sanders Court, Gaithersburg, Maryland 20877, two-year term.

Motion was made by Council Member Alster, seconded by Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING AN APPOINTMENT BY THE MAYOR TO THE TECHNOLOGY & INNOVATIONS COMMITTEE (Resolution No. R-3-06), be approved.

Vote: 5-0

**VI. PRESENTATIONS****1. Second Quarter Employee and Team Recognition Awards**

Congratulations to the winners of Employee Recognition Awards for the Second Quarter, September 1, 2005 – November 30, 2005

Employee of the Quarter – for performing excellent work on an ongoing basis.

**Jorge Esmieu, Planning and Code – Animal Control**, was nominated for a quarterly award for the excellent work that he does on an ongoing basis. Jorge began his career with the City of Gaithersburg at Public Works. He eventually began working part-time as a Park Observer before taking a full-time position as an Animal Control Officer. Since that time, Jorge has gone to great efforts to learn many new skills, enhancing his ability to perform his best. Jorge has proven over and over again that he is a dedicated and loyal employee. He is a real team player that always assists his co-workers in a timely manner, no matter what time of the day or night.

He is often called to duty on a moments notice in the middle of the night. Whether he is tasked with saving a wild animal from endangering itself or the public, or responding to a residence for a domestic complaint, Jorge is very easy to find, quick to respond and pleasant to deal with. Jorge is often tasked with issuing animal complaint citations and taking animals away from pet owners. In these times of turmoil, each encounter with the public is always treated with the utmost respect. Jorge is considered a great asset to the City because he has a desire for continued improvement, consistently demonstrates a high quality of performance, maintains a great attitude, and genuinely cares. Congratulations go out to Jorge, and we thank him for all that he does!

Employee of the Quarter – for performing excellent work on an ongoing basis.

**Rachel Tailby, Parks, Recreation, and Culture**, was nominated for a quarterly award for her exceptional dedication, conscientiousness, dependability, and reliability on an ongoing basis.

Rachel came to the City fresh out of college and was hired as a Recreation Assistant. While Rachel is responsible for the operation of the Skate Park, the Recmobile, and Summer Camps, her most notable success has been the increasing number of participants at the Recmobile Program. During the 2005 calendar year she brought a new energy into the program by enhancing quality programming ideas. Further, Rachel's dedication to developing working relationships with HOA's and apartment complex managers at the locations where the Recmobile operates has been a definite asset to the program. Rachel truly goes above and beyond in everything she sets her sights on. She not only takes ownership in her programs, but is constantly looking for ways to make improvements by evaluating each program and looking toward the next. Rachel's dedication to her co-workers, the City and our external customers is displayed in everything she does. Congratulations go out to Rachel, and we thank her for helping to make the City of Gaithersburg great!

Employee of the Quarter – for performing excellent work on a one-time project

**Sarah Paxton, City Manager's Office**, was nominated for a quarterly award for her exceptional performance on a special project. Sarah was responsible for administering the City's general election last fall (November 8, 2005). While Sarah has taken a very minor supporting role in this event in past years, this election was left completely in her capable hands. In preparation for the City's election Sarah personally handled every detail, which included: coordinating the Montgomery County Board of Elections; drafting contracts with Diebold for electronic election equipment; coordinating five separate mailings to a total of 27,000 plus registered voters; recruiting 50 election judges; preparing a training manual for election judges; coordinating with private property owners who own the polling sites; coordinating the delivery of equipment to five polling sites; conducting the training of 50 election judges; and serving as an overall trouble shooter and resource for the five Chief Election Judges on election day. Sarah was able to take this project on with little to no assistance, and she accomplished this while continuing to conduct normal day-to-day responsibilities. The event went extremely smooth, yielding no complaints of irregularities or unfair practices. Given that a margin of only ten votes separated a winning candidate from a losing candidate, the importance of a smoothly run election cannot be overemphasized. This is just one example of the fine job that Sarah does on a daily basis. Sarah is a very professional and loyal employee with a heart of gold. Congratulations go out to Sarah for all of her hard work on this very special project and we thank her for her dedication to the City!

Team of the Quarter – for performing outstanding work on a one-time project

**The Mission to Mississippi Team, Dan Horton (Public Works), Tim "Smitty" Smith (Parks, Recreation, and Culture), Tom Campbell, Billy White, Mary Whalen, Denise Woodard, Kathy Fairfield, Curtis Pettaway, Lester Rice, Dan Lane, John Jordan, Ray Campbell, John Breck, Jack Booth, Dan McCarthy, Brian Hurtt, Randy Rude, Scott**

**Scarff (Police), Ryan Spevak and Mike Viverette (volunteers) and Robert Lumsden (Montgomery County Police).** This team was nominated for their dedication and hard work on a special project. During the wake of Hurricane Katrina many law enforcement agencies in the Gulf Coast region were particularly hard hit, yet still had to perform essential law enforcement services in their areas. In an effort to assist local law enforcement agencies along the Gulf Coast with relief, an idea was formulated to donate several of the stripped down police cars that were about to go to auction. City management wholeheartedly approved this idea, however the cruisers had to be detailed and re-equipped with such items as light bars and sirens. On Saturday, September 17<sup>th</sup> a number of police employees, as well as Dan Horton from Public Works and two volunteers met at the Public Works shop and proceeded to place the cars back in service. These volunteers all spent long and uncompensated hours to make certain that the cars were in tip top shape.

In the interim, a call was received from the Mississippi Attorney General's Office for specific types of donations of materials, such as police uniforms, equipment, over the counter medicines, and other miscellaneous necessities. As a result, all City personnel, as well as residents and local businesses donated an overwhelming amount of supplies. City management agreed to allow a City bus to go on the trip in order to deliver these much needed supplies to the Gulf Coast. Officers volunteered to drive the caravan of police cruisers and Tim "Smitty" Smith and John Jordan volunteered to drive the bus. These volunteers spent days with little to no sleep, in poor conditions, and never once complained. They saw first hand the devastation of this area, the poor working conditions of their fellow law enforcement officials and the gratitude felt for the items that were brought on this trip. This team is called the "Mission to Mississippi," and it truly was a mission. This team is commended for their dedication and unselfishness in helping others. A great big thanks goes out to those members of the "Mission to Mississippi" team and also to everyone that assisted this team's efforts by making a donation. This is yet one more example of why Gaithersburg is the 17<sup>th</sup> greatest City!

City Manager Humpton recognized the volunteers and donations made from the following organizations/agencies: WalMart, Gaithersburg Chief's Advisory Council, Sam's Club, Performance Bicycle, Ty Gwynn Apartments, Greenbelt and Rockville Police Department, Classic Embroidery, and many other individuals.

## **2. Certificate of Appreciation**

Mayor Katz presented to Deanna Lyter, former member of the Historic Preservation Advisory Committee, a certificate recognizing her valuable contributes to the committee and citizens of Gaithersburg. Mrs. Lyter and family plan to relocate out of state and with regrets has resigned.

## **3. Introduction of a New City Employee**

Assistant City Manager Tomasello introduced Crystal Carr, newly hired Director of Human Services. Ms. Carr began working for the City on January 3, 2006. She is a graduate of Hood College and is currently enrolled in the Rutgers University Master of Public Administration program. Prior employment was with the Family Services Agency where she served as Family Support Services Administrator.

## **4. Gaithersburg Celebrates Black History Month**

with a Tribute to Civil Rights Hero Rosa Parks, Sponsored by the Multicultural Affairs Committee

## **5. Presentation from the Greater Historic District Committee on Streetscape Improvements in the Greater Historic District Area**

**VII. PUBLIC APPEARANCES**

1.

**VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS****Council Vice President Schlichting****Council Member Edens****Council Member Alster****Council Member Marraffa****Council Member Sesma****Mayor Katz**

1. Announced the City will conduct a work session on Monday, January 23, 2006, to receive updates from the Friends of Wells/Robertson House and the Olde Towne Gaithersburg Day Ad Hoc Advisory Committee.
2. Announced the upcoming joint work session scheduled for Tuesday, January 31, 2006, to receive a presentation from the City of Rockville on their recently adopted Adequate Public Facilities Ordinance.
3. Asked City Manager Humpton to schedule interviews on Monday, January 30, 2006, to fill the vacancies on the City's Board of Appeals.
4. Reported that Planning Commissioner Victor Hicks will be moving out of Gaithersburg and submitted his letter of resignation from the Commission effective February 1, 2006. He thanked Mr. Hicks for his years of service and announced that letters of interest to be considered for appointment to the Planning Commission should be submitted by Monday, February 13, 2006, 5 p.m.
5. Announced that City staff will conduct a public meeting on Wednesday, February 1, 2006, 7 p.m. at the Activity Center at Bohrer Park, to discuss FY '07 Community Development Block Grants and Housing Opportunities for Persons With Aids Funding.

**IX. FROM THE CITY MANAGER**

1. Updated the Mayor and City Council on the closing of the record for MP-2-04, GE Tech Park Special Study Area. He stated that at the Mayor and City Council meeting held on January 3, 2006, it was announced that the record would close on Wednesday, January 11, 2006. City Attorney Borten informed Mr. Humpton that a motion should have been done by the City Council to close the record. He stated that due to the error, the record will remain open. He announced

- that staff prepared a press release and posted on the website that the record will remain open to receive additional comments. He further stated that several correspondences were received asking that the record stay open for various reasons. Mayor Katz suggested that the record be held open indefinitely and asked staff to investigate the possibility of a town hall meeting.
2. Reported that the Day Laborer Task Force is conducting a meeting tonight, January 17, 2006. At their last meeting, the Task Force interviewed members of the previous ad hoc work group which is one of the charges of the Task Force. He stated that additional information is available on the City's website at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov).
  3. Announced the City held a Council in the Communities meeting with the Quince Orchard Park community.
  4. Received information from a citizen in the Kentlands about disturbing behavior in the area. Mr. Humpton read a police report regarding graffiti and vandalism in the area. He stated that he asked Police Chief Viverette to further investigate the matter.

#### **X. PUBLIC HEARINGS**

**Joint – X-182**, Proposal to Annex Approximately 182.81725 Acres of Land Adjacent to the Present Corporate Limits, Known as the Crown Property, Located at the Southwest Side of Fields Road, Bounded by Sam Eig Highway to the Northwest and Omega Drive to the Southeast. The Application Requests a Reclassification of the Subject Property From the Current R-60/TDR (Medium Density Residential with Transfer of Development Rights), R-200 (Low Density Residential), and R-200/TDR Zones in the County to the MXD (Mixed Use Development) Zone in the City of Gaithersburg, Maryland

Planning and Code Administration Director Ossont stated that the joint public hearing was advertised in the *Gaithersburg Gazette* issues of January 4 and 11, 2006. He stated that a

Speakers from the public:

There were no other speakers at the hearing.

Motion was made by Commissioner Levy, seconded by Commissioner Kaufman, that the Planning Commission record on T-375, be held open indefinitely.

Vote: 5-0

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the City Council record on T-375, be held open indefinitely.

Vote: 3-0

#### **XI. ORDINANCES AND RESOLUTIONS**

1. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract to Purchase One (1) 2006 Tandem Dump Truck with Snow Plow and Salter (\$129,565)
2. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract to Purchase One (1) 2006 Single Axle Dump Truck with Snow Plow and Salter (\$94,538)

3. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the 2006 Street Resurfacing Contract (\$1,016,994)
4. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for a Classification and Compensation Study (\$34,983)
5. Resolution of the Mayor and City Council Awarding Matching Grants to the Kentlands Citizens Assembly and the Orchard Glen Homeowners Association (\$3,728)

**1. Resolution Awarding Matching Grants**

This resolution authorizes the City Manager to award matching grants to the Kentlands Citizens Assembly, in the amount of Two Thousand One Hundred Eight-Three Dollars (\$653) for new landscaping and the Shady Grove Village I Condominium Association, in the amount of Five Hundred Thirty-Eight (\$538) for erosion control upon determining that the projects are completed as proposed, in the total amount of One Thousand One Hundred Ninety-One Dollars (\$1,191); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDED MATCHING GRANTS TO KENTLANDS CITIZENS ASSEMBLY AND SHADY GROVE VILLAGE I CONDOMINIUM ASSOCIATION (Resolution No. R-5-06), be approved.

Vote: 3-0

**XII. POLICY DISCUSSION**

An Ordinance to Repeal and Reenact With Amendments, Chapter 5 of the City Code Entitled, "Buildings," and Adopt by Reference, With Certain Modifications, the 2003 International Building, 2003 International Residential, 2003 International Mechanical, 2004 International Energy, and 2003 International Fuel Gas Code

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Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the above Ordinance (Ordinance No. O-2-06) be adopted.

Vote: 3-0

**XIII. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9:04 p.m.

Respectfully submitted,

*Doris R. Stokes*

Doris R. Stokes  
Administrative Assistant